

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT OF
FLORIDA

ADMINISTRATIVE ORDER NO.:
20-28 3RD AMENDED
SUPERSEDES 20-28 2ND AMENDED

**IN RE: ADMINISTRATIVE RULES - COVID-19 REOPENING PROCEDURES -
TRANSITIONING FROM PHASE 1 TO PHASE 2**

WHEREAS, reopening the courts of the Eighteenth Judicial Circuit will be in conformity with AOSC 20-23 as periodically amended which will result in a greater number of persons using and occupying courthouses, and

WHEREAS, in order to implement the objectives of AOSC 20-23 as periodically amended and Executive Order 20-112 and all orders and phases anticipated to follow, the Eighteenth Judicial Circuit Workgroup has established the protocols set forth herein:

WHEREAS, the Supreme Court has set forth the following benchmarks which the Eighteenth Judicial Circuit has met.

1. No confirmed or suspected cases of COVID-19 in the court facility within a 14-day period; or if confirmed or suspected cases have occurred in the court facility, deep cleaning and disinfecting of exposed areas and applicable employee self-quarantine actions have been implemented.
2. Rescission of local and state restrictive movement and/or stay-at-home orders.
3. Improving COVID-19 health conditions over a 14-day period in the community, including conditions such as the number of confirmed COVID-19 cases and related deaths in relation to a community's population density, downward trajectory of positive tests as a percent of total tests, size of particularly vulnerable populations, and availability of medical facilities including emergency and intensive care capacity.

4. Adequate testing programs in place, increased availability of COVID-19 tests, and emerging antibody testing.
5. Consultation with other building occupants (for multi-tenant courthouses or buildings) and with justice system partners (including, but not limited to clerk of court, state attorney, public defender, law enforcement, local bar, and others necessary to resume certain case types, such as the Department of Children and Families).

THEREFORE, pursuant to the authority of the Chief Judge under section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215,

IT IS HEREBY ORDERED as follows:

Effective as of the date of this Order, the protocols set forth in the Revised Operational Plan attached hereto as Exhibit A shall be observed in all courthouses in the Eighteenth Judicial Circuit.

This Administrative Order shall remain in effect until further notice or until superseded by further order of this Court or the Florida Supreme Court.

DONE AND ORDERED this 10th day of May, 2021.

LISA DAVIDSON
LISA DAVIDSON
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)

EXHIBIT A
OPERATIONAL PLAN AS AMENDED MAY 10, 2021
EIGHTEENTH JUDICIAL CIRCUIT PHASE 2

Based upon the current situation with COVID-19 and pursuant to the Supreme Court's Administrative Order AOSC20-23, Amendment 13 and AOSC20-32, Amendment 8, procedures need to be implemented to mitigate the effects of the pandemic upon the judicial branch and its participants. The Supreme Court has provided guidance regarding transitioning between Phase 1, where in-person contact is inadvisable, court facilities are effectively closed to the public, and in-person proceedings are rare, and Phase 2, where limited in-person contact is permitted.

The Eighteenth Circuit has determined that it has met the five benchmark criteria to transition into Phase 2.

The Eighteenth Circuit has collaborated with other building occupants, facilities management and law enforcement to ensure that health, safety, cleaning, and disinfecting is taking place in the courthouses. The Court has reconfigured and marked the areas where in-person court proceedings are to take place to accommodate social distancing. The maximum capacity for each courtroom or hearing room has been determined on an individual courtroom basis. Judges shall regulate the number and location of persons in their courtrooms so as to facilitate the protection of individuals from COVID-19. Court security will manage traffic flowing into and out of courtrooms using queue areas and social distancing.

HEALTH & WELFARE:

1. Judges should use their discretion in excusing anyone who is supposed to attend a hearing in-person who is fearful of entering the Courthouse due to the pandemic and allowing that person to appear telephonically and/or remotely.
2. All persons entering 18th Circuit Courthouses must appear with valid photo ID, such as a driver's license.
3. All pro se litigants shall register their email or make use of the portal: <https://www.myflcourtaccess.com/default.aspx>
4. Each individual shall follow CDC protocols to the maximum extent possible.
5. Masks must be worn by all those appearing in an in-person court proceeding. In-person courtroom proceeding means the assembly of prospective jurors,

voir dire, juror deliberations, and any status conference, hearing, trial, or other proceeding conducted by a judge, magistrate, or hearing officer if conducted in person and other court events conducted in person as may be determined by the Chief Justice or chief judge.

6. Inmates and detainees shall be screened pursuant to the Sheriff's protocol prior to entering the courthouse and shall wear a mask during an in-person court proceeding.
7. If a client's appearance is required, Attorneys shall contact their client prior to court dates to determine if there are health risks involved with the client's appearance in the Courthouse. The attorney should contact the Judge's Judicial Assistant to notify him/her of the need to continue the matter. The attorney is responsible for notifying his/her client of the new court date and time.
8. Visible signage shall be posted in the courthouses reminding individuals of hygiene protocols. Hand sanitization stations shall be implemented at several locations throughout all courthouses where feasible, and persons entering and traversing a courthouse will be encouraged to use them.
9. Face masks are required for everyone when participating in an in-person courtroom proceeding with no exceptions. If visitors or participants do not have a face mask, one shall be provided to them at no cost.
10. Members of the public who refuse to comply with the health and safety requirements and guidelines in the courthouse shall be required to leave the courthouse. The Sheriff's office in each county is permitted to use the necessary means to enforce the operational plan, prohibit an individual from entering the courthouse or assist a person in exiting the courthouse based upon his or her noncompliance
11. The County will clean and disinfect all areas in the courthouse in accordance with CDC guidance.

REMOTE AND IN PERSON PROCEEDINGS:

To the extent possible consistent with Supreme Court administrative orders or similar guidance, all proceedings shall occur remotely (such as by teleconferencing, videoconferencing, or other means) unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the Court's control. Procedures for specific court proceedings are addressed more fully within this operational plan.

Until further order of this Court, all notices of court hearings issued by counsel or the court shall contain statements requiring bringing and wearing masks during in-person courtroom proceedings, bringing valid photo ID such as a driver's license, and a request to call 321-351-6255 to receive relevant information regarding entering a courthouse.

Vulnerable persons may attend proceedings using remote technology.

Judges are encouraged to stagger any in person proceedings based upon the courtroom capacity in order to maintain appropriate social distancing in the courtroom and hallways. The physical handling of documents is to be avoided.

CRIMINAL COURT (Felony and Misdemeanor):

Each Criminal Division Judge may decide whether a hearing is amenable to being held remotely. In the discretion of the criminal judge a matter that is not conducive to being heard remotely may be held in person.

Because of risks associated with virus transmission among inmates, judges are strongly discouraged from ordering the transport of inmates to court. However, if deemed necessary for a court proceeding, judges may bring inmates to the courtroom from the county jails. Also, if a Defendant is accepting a plea of jail or prison time, it is encouraged to have it conducted remotely from the courtroom at the jail to avoid contamination of holding cells.

CIVIL COURT CIRCUIT AND COUNTY:

1. All civil matters should be accomplished remotely. However, civil judges in their discretion may hold in person hearings if a matter is not conducive to being heard remotely.
2. Pre-trial conferences should be set by the Civil Division Judges' Judicial Assistants. At the pre-trial conference, trial dates should be given by the Judicial Assistants.

PIP CASES:

PIP Cases: The Clerk of Court shall cancel the Small Claims pre-trial conference in PIP cases when:

- a. The Plaintiff is represented by counsel; and
- b. The Defendant-insurance carrier/company is a named Defendant.
- c. The Clerk of Court shall then remove the case from the Small Claims docket with the progress docket reflecting that the Pre-Trial Conference has been cancelled.
- d. In the event both sides are represented by counsel, the Florida Rules of Civil Procedures shall be invoked with the case to be noticed for trial by either party once ready.
- e. If the Defendant/insurance carrier/company is not represented by counsel prior to the actual pre-trial conference date it shall retain counsel no later than twenty days (20) calendar days after the scheduled pre-trial conference, otherwise, the Clerk of the Court shall enter a Clerk's default upon motion.

INJUNCTIONS:

Injunctions are essential proceedings. Each Judge may decide at his/her discretion whether he/she will hold injunction hearings in person or remotely. Senior Judges will be utilized to undertake the daily influx of injunction cases. Each Family Division Judge and Judges Silverman, Garagozlo, and Baker will work off the backlog of injunction cases in their division.

CIVIL TRAFFIC INFRACTIONS:

Civil traffic infractions hearing scheduled at the Moore Justice Center will be heard from 5:30 p.m. to 8:30 p.m. in person on Tuesdays, Wednesdays and Thursdays. Otherwise, civil traffic infraction hearings will continue to be

heard on Tuesdays, Wednesdays and Fridays remotely by videoconferencing in Courtroom 1A at the Criminal Justice Center, unless the hearing officer or judge determines that it cannot be fairly heard remotely and then it may be heard in-person.

FAMILY COURT:

All cases governed by Florida Family Law Rules of Procedure (except as pertains to injunctions) shall be heard remotely unless the Judge assigned to a case determines that it cannot be fairly heard remotely and then the Judge may set the matter to a date and time to be heard in-person.

BAKER ACTS & MARCHMAN ACTS:

1. Baker Acts will be heard remotely until facilities where Baker Acts are heard permit in person hearings.
2. Marchman Acts are essential proceedings and will be heard in person.

JUVENILE DEPENDENCY HEARINGS:

Shelter hearings, arraignments, advisory hearings, dependency trials and termination of parental rights trials are essential proceedings. For shelters, arraignments and advisory hearings, parents and attorneys may attend in person; all other participants will attend remotely. Dependency and termination of parental rights trials may be held in person or remotely at the discretion of the Dependency Judge.

JUVENILE DELINQUENCY HEARINGS:

Juvenile delinquency hearings/proceedings, including Detention hearings, will be heard in Person or remotely at the discretion of the Juvenile Delinquency Judge.

RISK PROTECTION ORDERS:

Will be heard in person or remotely at the discretion of the assigned Judge.

ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS:

Must be conducted remotely.

GUARDIANSHIP:

All Guardianship matters shall be heard remotely. However, a judge may hold guardianship matters in person if the hearing is not conducive to being held remotely.

EXTRAORDINARY WRITS:

Shall be heard remotely or in person as determined by the assigned Judge.

REMOTE HEARINGS:

Will be conducted by Microsoft TEAMS or telephone as appropriate except Baker Act hearings (the mental health facilities set up the Baker Act hearings using a special version of Zoom that is HIPAA compliant).

SENIOR JUDGE DAYS:

Judges, after conferring with the Chief Judge, may utilize Senior Judges to help with the backlog of cases.

RESCHEDULING CASES:

Except for those cases involving individuals who are excused from their Court proceedings due to health concerns as set forth in Health and Welfare, section 7 above, and are rescheduled by the Clerk of the Court, all cases that are rescheduled shall be re-noticed by the Judicial Assistant whose Judge is assigned to the case. The notice should contain information about whether the case will be heard remotely or in person. The re-noticed hearing shall contain instructions as to how to participate telephonically or remotely.

Judicial Assistants shall notify the Clerk's Office regarding hearings that will be heard in person in order that the Clerk's Office can ensure that a court clerk will be present at the proceeding.

HUMAN RESOURCES:

Human Resources has developed a set of reopening protocols consistent with CDC guidelines and includes behavioral modifications/requests, facilities maintenance considerations, and a teleworking policy.

Court Administration HR Procedures:

Judge/Employee presenting symptoms (fever, cough, or shortness of breath, etc.) at work should **immediately** Contact Human Resources:

HR will instruct symptomatic judge/employee the following:

- Immediate requirement to wear both mask and gloves
- Exit Courthouse
- If applicable, provide judge/employee enough time to collect items for teleworking.

HR will timely notify individuals who have had direct contact with symptomatic judge/employee while maintaining confidentiality consistent with the Americans with Disabilities Act (ADA), HIPAA, and other applicable federal and state privacy laws.

HR will timely disseminate an e-mail to the 18th Circuit Judges and Court Staff within the impacted county.

HR will timely notify county facilities for the need to disinfect a particular area(s) of courthouse.

Secure area(s) utilized by the symptomatic judge/employee until after county facilities clean and disinfect.

Inform those who have had close contact to individual diagnosed with COVID-19 to stay home and self-monitor for symptoms, and to follow current CDC guidelines, if symptoms develop. If symptoms develop, individual is to notify HR (*Brevard County: Human Resources Manager I, April Copp and Seminole County: Chief Deputy Court Administrator, Yvan Llanes.*) immediately. If individual does not present symptoms, follow current CDC guidance for home isolation.

Symptomatic judge/employee should not return to work until they have met current CDC's criteria to discontinue home isolation.

Designated staff responsible for responding to COVID-19 concerns are Brevard County: Human Resources Manager I, April Copp and Seminole County: Chief Deputy Court Administrator, Yvan Llanes.

DATED this 10th day of May, 2021.

Lisa Davidson

Lisa Davidson

Chief Judge

Eighteenth Judicial Circuit